



The Bihar Gazette

EXTRA ORDINARY

PUBLISHED BY AUTHORITY

16TH ASHADH (S)
(NO.PATNA 455) PATNA, THURSDAY, 8TH JULY 2010

Addenda and Corrigenda of Patna High Court
Rules, 1916
(Fifth Edition)
C.S. No. 132

The 6th April 2010

No. 9081—Add the following as a new Rule in Part V of Chapter XXI-CC of Patna High Court Rules, 1916 at page 128 :-

1. (i) These Rules shall be called Rules of Patna High Court to deal with Public Interest Litigations.
(ii) They shall come into force from the date of their notification.
2. In these Rules unless the context otherwise requires :-
 - (a) 'Chief Justice' means the Chief Justice of Patna High Court
 - (b) 'High Court' means the High Court of Judicature at Patna
 - (c) 'Judge' means Judge of the High Court of Judicature at Patna.
 - (d) 'PIL' means and includes a writ petition filed by way of Public Interest Litigation or any case taken up as a writ petition suo-moto on receipt of appropriate and adequate information, by the Chief Justice
 - (e) 'Registrar General' means Registrar General of the High Court of Judicature at Patna.
 - (f) All other words and expressions not defined in these rules shall have the same meaning as assigned to them in the Patna High Court Rules.
3. To encourage only genuine and bona fide PIL and discourage PIL filed for extraneous considerations, the Bench hearing a PIL shall first verify the prima facie credentials of the Petitioners before entertaining any case as a PIL. Thereafter, notice

may be issued to the Advocate General or to any other authority to enable the Bench hearing the matter to come to a prima facie satisfaction regarding the correctness of the contents of the petition or information before entertaining the same as PIL.

4. For the aforesaid purpose, A PIL shall first be listed with appropriate office notes under the heading “For Orders” before the appropriate Division Bench.

5. Only those matters shall be treated as PIL which involve substantial public interest aimed at redressal of genuine public harm or public injury and for this the Bench hearing the matter shall ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.

6. To facilitate the aforesaid purpose, a petitioner in a PIL shall state in clear terms the relief prayed for in paragraph -1 of the petition and grounds in paragraph -2. In paragraph-3, he must give a full and complete detail of himself to reveal his interest, credentials and qualification relevant for the PIL, alongwith a declaration that he has no personal interest, direct or indirect, in the subject matter of PIL. In addition, ordinarily, the petitioner is required to set out all relevant facts with supporting datas, reports etc.

7. After arriving at a prima facie satisfaction regarding credentials of the petitioner and correctness of the contents of the petition, if the Court finds that the petition was filed by busybodies for extraneous or ulterior motives, the Bench may impose exemplary costs.

8. The procedure for dealing public interest litigation shall otherwise be the same as that for a Civil Writ Jurisdiction case requiring consideration by a Division Bench, usually headed by the Chief Justice or by any other Bench assigned by the Chief Justice.

9. The procedure in these Rules shall be without prejudice to the power of the Court under Articles 226 and 227 of the Constitution under which the Bench hearing a PIL, may in the interest of justice and to promote public interest devise special procedure for satisfying itself with the credentials and bona fide of the petitioner and also to find out relevant facts deemed necessary for the purpose of the case.

By Order of the Court,
B.B.Pathak
Registrar General.

Patna, The 6th April, 2010
the 16 Chaitra, 1932
(XII-I-2010)

**PUBLISHED AND PRINTED BY THE SUPERINTENDENT,
BIHAR SECRETARIAT PRESS, PATNA.
Bihar Gazette (Extra) 455—571+150—D.T.P.
Website: <http://egazette.bih.nic.in>**